



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
December 3, 2018 - December 7, 2018

GRANTS

| Style/Appeal Number | County/Trial Judge/ Trial Court No. | Intermediate Court | Supreme Court Action |
|--|---|------------------------------|--|
| <u>Jackson</u> | | | |
| STATE OF TENNESSEE v. A.B. PRICE, JR. and VICTOR TYRONE SIMS W2017-00677-SC-R11-CD | Henry County Circuit Court Donald E. Parish 15680 | McMullen, Camille R.: Affirm | Granted: Application of State of Tennessee Order filed 12-5-18 (See Attached Order) |

DENIALS

| Style/Appeal Number | County/Trial Judge/ Trial Court No. | Intermediate Court | Supreme Court Action |
|--|---|---------------------------|--|
| <u>Nashville</u> | | | |
| STATE OF TENNESSEE v. TIMOTHY A. CROWELL M2016-01980-SC-R11-CD | Davidson County Criminal Court Cheryl A. Blackburn 2014-A-332 | Ogle, Norma McGee: Affirm | Denied: Application of Timothy Allen Crowell Order filed 12-6-18 |

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| STATE OF TENNESSEE v. JACOB BERGUM M2016-02399-SC-R11-CD | Montgomery County Circuit Court Jill Bartee Ayers CC-15-CR-178 | Dyer, J. Ross: Affirm | Denied: Application of Jacob Bergum Order filed 12-5-18 |
| STATE OF TENNESSEE v. WILLIAM SHANNON GRESHAM M2017-00672-SC-R11-CD | Sumner County Criminal Court Dee David Gay 269-2013, 420-2015 | Woodall, Thomas T.: Affirm | Denied: Application of William Shannon Gresham Order filed 12-6-18 |
| STATE OF TENNESSEE v. GDONGALAY P. BERRY M2017-00867-SC-R11-CD | Davidson County Criminal Court J. Randall Wyatt, Jr. 96-B-866 | Ogle, Norma McGee: Affirm | Denied: Application of Gdongalay Parlo Berry Order filed 12-6-18 |
| BRETT A. PATTERSON v. STATE OF TENNESSEE M2017-00978-SC-R11-ECN | Montgomery County Circuit Court Jill Bartee Ayers 031496 | Montgomery Jr., Robert H.: Affirm in Part | Denied: Application of Brett Allen Patterson, Opinion of CCA designated "Not For Citation" accordance with SCT Rule 4(E) Order filed 12-6-18 (See Attached Order) |

LUCAS D. BOTTORFF ET AL. v. ANNE A. SEARS
ET AL.
M2017-01363-SC-R11-CV

Williamson County Chancery Court
Joseph Woodruff
45788

Armstrong, Kenny W.: Affirm

Denied: Application of Anne A.
Sears

Order filed 12-6-18

GARY LEE ODOM v. RACHEL LEA ZAMATA
ODOM
M2017-01702-SC-R11-CV

Davidson County Circuit Court
Phillip R. Robinson
15D-195

Frierson II, Thomas R.: Affirm

Denied: Application of Rachel Lea
Zamata Odom, Opinion of COA
designated "Not For Citation"
with Supreme Court rule 4(E)

Order filed 12-6-18 (See Attached
Order)

KATHRYN LYNN JONES v. GARY EDWARD
JONES
M2017-01823-SC-R11-CV

Coffee County Chancery Court
L. Craig Johnson
2011-CV-310

Clement Jr., Frank G.: Affirm

Denied: Application of Kathryn
Lynn Jones

Order filed 12-6-18

LaSONYA ROBERTSON v. CLARKSVILLE-
MONTGOMERY COUNTY SCHOOL SYSTEM
M2017-02492-SC-R11-CV

Montgomery County Circuit Court
Ross H. Hicks
15-CV-1954

Goldin, Arnold B.: Affirm in Part
Gibson, Brandon O.: Dissent

Denied: Application of Clarksville
Montgomery County School
System, Opinion of COA
designated "Not For Citation"
accordance with SCT Rule 4(E)

Order filed 12-7-18 (See Attached
Order)

XAVIER TODD v. CHERRY LINDAMOOD,
WARDEN
M2018-00099-SC-R11-HC

Wayne County Circuit Court
Robert L. Jones
99-04986, 99-05103, 99-05104,
99-05105, 99-05107, 99-05108,
99-05109, 99-05110, 99-05111

Wedemeyer, Robert W.: Affirm

Denied: Application of Xavier
Todd

Order filed 12-6-18

QUINTON CAGE v. STATE OF TENNESSEE
M2018-00568-SC-R11-HC

Davidson County Criminal Court
Steve R. Dozier
5333

Easter, Timothy L.: Affirm

Denied: Application of Quinton
Albert Cage

Order filed 12-7-18

Knoxville

JOHNSON & ASSOCIATES, LLC ET AL. v. THE
HANOVER INSURANCE GROUP, INC. ET AL.
E2016-02469-SC-R11-CV

Sullivan County (Blountville) Chancery
Court
John S. McLellan, III
B0024946M

McClarty, John W.: Affirm

Denied: Application of The
Hanover Insurance Group, Inc.,
and The Hanover American
Insurance Company

Order filed 12-5-18

STATE OF TENNESSEE v. SANTORY ALEXANDER
JOHNSON
E2017-00361-SC-R11-CD

Hamilton County Criminal Court
Thomas C. Greenholtz
290718

Thomas Jr., D. Kelly: Affirm

Denied: Application of Santory
Alexander Johnson

Order filed 12-5-18

STATE OF TENNESSEE v. TYRAIL JERMAINE
COOKE
E2017-00781-SC-R11-CD

Knox County Criminal Court
G. Scott Green
100543

Witt Jr., James Curwood: Affirm

Denied: Application of Tyrail
Cooke
Order filed 12-5-18

STATE OF TENNESSEE v. MELVIN DWAYNE
DUNN, JR.
E2017-00911-SC-R11-CD

Knox County Criminal Court
G. Scott Green
107418

Williams, John Everett: Affirm

Denied: Application of Melvin
Dwayne Dunn, Jr.
Order filed 12-5-18

STATE OF TENNESSEE v. RONALD LEE FREELS,
JR.
E2017-00951-SC-R11-CD

Sevier County Circuit Court
Rex H. Ogle
20393-III

Holloway Jr., Robert L.: Affirm

Denied: Application of Ronald
Lee Freels, Jr.
Order filed 12-5-18

STATE OF TENNESSEE v. ALINA SHERLIN
E2017-01225-SC-R11-CD

Bradley County Criminal Court
Andrew M. Freiberg
13-CR-487

Easter, Timothy L.: Affirm

Denied: Application of Alina
Sherlin
Order filed 12-7-18

STERLING DAVIS v. STATE OF TENNESSEE
E2017-01308-SC-R11-PC

Monroe County Criminal Court
Sandra Donaghy
15-188CRM

Wedemeyer, Robert W.: Affirm

Denied: Application of Sterling
Davis
Order filed 12-5-18

ROBIN LEAH LOUIS FARNHAM CARTER v.
MYRON THOMAS CARTER
E2017-01648-SC-R11-CV

Knox County Chancery Court
Michael W. Moyers
183997-3

McClarty, John W.: Affirm

Denied: Application of Robin
Leah Louise Farnham Carter

Order filed 12-7-18

STATE OF TENNESSEE v. TEDDY LYNN SAMS
E2017-01837-SC-R11-CD

Sullivan County Criminal Court
R. Jerry Beck
S66005

Wedemeyer, Robert W.: Affirm

Denied: Application of Teddy
Lynn Sams

Order filed 12-5-18

STEVE PERLAKY v. JIMMY CHAPIN ET AL.
E2017-01995-SC-R11-CV

Hamilton County Chancery Court
Jeffrey M. Atherton
15-0407

McClarty, John W.: Affirm

Denied: Application of Steve
Perlaky

Order filed 12-5-18

LARRY WADE v. STATE OF TENNESSEE
E2017-02177-SC-R11-PC

Hamilton County Criminal Court
Thomas C. Greenholtz
288261

Dyer, J. Ross: Affirm

Denied: Application of Larry
Anthony Wade, Jr., Opinion of
the CCA designated "Not For
Citation" accordance with SCT
Rule 4(E)

Order filed 12-5-18 (See Attached
Order)

JOHN PAUL LITTLE v STATE OF TENNESSEE
E2017-02295-SC-R11-CD

Roane County Criminal Court
Jeffery Hill Wicks
2013-CR-61

McMullen, Camille R.: Affirm

Denied: Application of John Paul Little

Order filed 12-5-18

STATE OF TENNESSEE ET AL. v. LES STIERS
E2017-02405-SC-R11-CV

Campbell County Chancery Court
Elizabeth C. Asbury
2012-CV-104

Goldin, Arnold B.: Affirm

Denied: Application of Les Stiers

Order filed 12-6-18

Jackson

KEVIN MILLEN v. RAQUEL HATTER, ET AL.
W2016-01975-SC-R11-CV

Shelby County Circuit Court
Donna M. Fields
CT-001942-16

McBrayer, W. Neal: Affirm

Denied: Application of Kevin Millen

Order filed 12-6-18

MARLON MCKAY v. STATE OF TENNESSEE
W2017-00202-SC-R11-PC

Shelby County Criminal Court
James M. Lammey
08-07886

Wedemeyer, Robert W.: Affirm

Denied: Application of Marlon McKay

Order filed 12-5-18

STATE OF TENNESSEE v. MARLON BOYD
W2017-00791-SC-R11-CD

Shelby County Criminal Court
Lee V. Coffee
16-00582

Easter, Timothy L.: Affirm

Denied: Application of Marlon Boyd

Order filed 12-5-18

DARAMIS SHARKEY v. STATE OF TENNESSEE
W2017-01961-SC-R11-PC

Shelby County Criminal Court
Chris Craft
12-02841, 12-02842, 12-02843,
12-02844

Thomas Jr., D. Kelly: Affirm

Denied: Application of Daramis
Sharkey

Order filed 12-6-18

GREGORY WOODS v. STATE OF TENNESSEE
W2017-01972-SC-R11-PC

Shelby County Criminal Court
Paula L. Skahan
13-05640

McMullen, Camille R.: Affirm

Denied: Application of Gregory
Woods

Order filed 12-5-18

STATE OF TENNESSEE v. RAYMOND B.
THOMAS
W2017-02032-SC-R11-CD

Dyer County Circuit Court
R. Lee Moore, Jr.
13-CR-423, 13-CR-424

Wedemeyer, Robert W.: Affirm

Denied: Application of Raymond
B. Thomas

Order filed 12-6-18

DAETRUS PILATE v. STATE OF TENNESSEE
W2017-02060-SC-R11-PC

Shelby County Criminal Court
Lee V. Coffee
11-05709, 12-01054

Holloway Jr., Robert L.: Affirm

Denied: Application of Daetrus
Pilate

Order filed 12-6-18

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| BRUCE VANN v. STATE OF TENNESSEE W2017-02194-SC-R11-PC | Madison County Circuit Court Donald H. Allen C-16-214 | Thomas Jr., D. Kelly: Affirm | Denied: Application of Bruce Vann Order filed 12-5-18 |
| CLINTON AUSTIN v. STATE OF TENNESSEE W2017-02374-SC-R11-PC | Shelby County Criminal Court Glenn Ivy Wright 11-04214 | Witt Jr., James Curwood: Affirm | Denied: Application of Clinton Austin Order filed 12-5-18 |
| JONATHAN ELLIOTT v. APPLE INVESTORS GROUP LLC ET AL. W2017-02385-SC-R11-CV | Shelby County Circuit Court Rhynette N. Hurd CT-003866-15 | Gibson, Brandon O.: Affirm | Denied: Application of Jonathan Elliott Order filed 12-6-18 |
| STATE OF TENNESSEE v. FRANK D. TAYLOR W2018-00486-SC-R11-CD | Shelby County Criminal Court Chris Craft 05-05703 | Per Curiam: Case Dispositional Decision | Denied: Application of Frank D. Taylor Order filed 12-5-18 |
| STATE OF TENNESSEE v. MARKESE BROOKS W2018-00586-SC-R11-CD | Shelby County Criminal Court Chris Craft 05-05703 | Per Curiam: Case Dispositional Decision | Denied: Application of Markese Brooks Order filed 12-5-18 |

STATE OF TENNESSEE v. DARIUS JONES
W2018-01504-SC-R11-CD

Shelby County Criminal Court
J. Robert Carter, Jr.
01-04380, 01-04392

Per Curiam: Case Dispositional
Decision

Denied: Application of Darius
Rema Jones

Order filed 12-6-18

IN THE SUPREME COURT OF TENNESSEE
AT KNOXVILLE

FILED

12/05/2018

Clerk of the
Appellate Courts

LARRY WADE v. STATE OF TENNESSEE

**Criminal Court for Hamilton County
No. 288261**

No. E2017-02177-SC-R11-PC

ORDER

Upon consideration of the application for permission to appeal of Larry Anthony Wade, Jr. and the record before us, the application is denied.

The opinion of the Court of Criminal Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

12/06/2018

Clerk of the
Appellate Courts

GARY LEE ODOM v. RACHEL LEA ZAMATA ODOM

**Circuit Court for Davidson County
No. 15D-195**

No. M2017-01702-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Rachel Lea Zamata Odom and the record before us, the application is denied.

The opinion of the Court of Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM

ROGER A. PAGE, J., not participating.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

12/06/2018

Clerk of the
Appellate Courts

BRETT A. PATTERSON v. STATE OF TENNESSEE

**Circuit Court for Montgomery County
No. 031496**

No. M2017-00978-SC-R11-ECN

ORDER

The appellant, Brett A. Patterson, timely filed a pro se “Motion for Extension of Time, and Preliminary [Application] For Permission to Appeal.” Though the Court noted that it may waive the sixty-day period for filing an application for permission to appeal if a waiver is in the interests of justice, see Tenn. R. App. P. 11(b), a request for a waiver must be filed with the application. The appellant did not file such a waiver, but the Court accepted the preliminary application as a timely-filed application for permission to appeal. The appellant then filed a “Motion to Waive Sixty Day Time Limit and Accept Substitute Filing as Timely Filed.” That motion is granted.

Upon consideration of the application for permission to appeal of Brett Allen Patterson and the record before us, the application is denied.

The opinion of the Court of Criminal Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E because of the Court of Criminal Appeals’ analysis regarding *Brady v. Maryland*, 373 U.S. 83 (1963), and its applicability in coram nobis proceedings to evaluate claims of newly discovered evidence. See *Nunley v. State*, 552 S.W.3d 800, 821 (Tenn. 2018) (opinion released after Court of Criminal Appeals’ opinion in this case).

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT JACKSON

FILED

12/05/2018

Clerk of the
Appellate Courts

STATE OF TENNESSEE v. A.B. PRICE, JR. and VICTOR TYRONE SIMS

**Circuit Court for Henry County
No. 15680**

No. W2017-00677-SC-R11-CD

ORDER

Upon consideration of the application for permission to appeal of State of Tennessee and the record before us, the application is granted.

The Clerk is directed to place this matter on the docket for oral argument upon the completion of briefing.

PER CURIAM

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

12/07/2018

Clerk of the
Appellate Courts

**LaSONYA ROBERTSON v. CLARKSVILLE-MONTGOMERY COUNTY
SCHOOL SYSTEM**

**Circuit Court for Montgomery County
No. 15-CV-1954**

No. M2017-02492-SC-R11-CV

ORDER

Upon consideration of the application for permission to appeal of Clarksville Montgomery County School System and the record before us, the application is denied.

The opinion of the Court of Appeals is designated “Not For Citation” in accordance with Supreme Court Rule 4, § E.

PER CURIAM